

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17 cv 293**

**KENNETH DEGARMO and JEANNIE )  
DEGARMO, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
TOWN OF LAKE SANTEETLAH, a )  
North Carolina Public Municipality, )  
 )  
Defendant. )  
\_\_\_\_\_ )**

**ORDER**

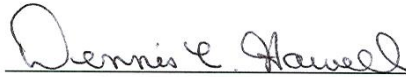
Pending before the Court is the Joint Motion to Remand this Case to the Superior Court of Graham County, North Carolina [# 4].

On October 25, 2017, a Notice of Removal regarding this case was filed in the Western District of North Carolina. The underlying complaint contained both state law claims and alleged violation of Due Process and Equal Protection. On November 11, 2017, the Parties filed a Joint Stipulation dismissing the substantive due process and equal protection claims [# 3]. On December 4, 2017, the Parties filed a Joint Motion to Remand this case to the Superior Court of Graham County, North Carolina. After reviewing the record, it appears the Court now lacks subject matter jurisdiction over this case.

Therefore, the Court **GRANTS** the motion [# 4]. The Court **REMANDS** this

case to the Superior Court of Graham County, North Carolina. Each party shall bear its own costs, expenses, and attorneys' fees.

Signed: December 6, 2017



Dennis L. Howell  
United States Magistrate Judge

